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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Andorra, Argentina, Austria, Belgium, Bulgaria, Chile, Czech Republic, France, Germany, Greece, Hungary, Iceland, Italy, Liechtenstein, Luxembourg, Poland, Portugal, Republic of Moldova, Romania, San Marino, South Africa, Spain, Sweden and United States of America: draft resolution

Situation of human rights in Myanmar

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other applicable human rights instruments,

Aware that, in accordance with the Charter, the Organization promotes and encourages respect for human rights and fundamental freedoms for all and that the Universal Declaration of Human Rights states that the will of the people shall be the basis of the authority of government,

Recalling its resolution 50/194 of 22 December 1995,

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

Recalling also Commission on Human Rights resolution 1992/58 of 3 March 1992,[3] in which the Commission, inter alia, decided to nominate a special rapporteur to establish direct contacts with the Government and with the people of Myanmar, including political leaders deprived of their liberty, their families and their lawyers, with a view to examining the situation of human rights in Myanmar and following any progress made towards the transfer of power to a civilian Government and the drafting of a new constitution, the lifting of restrictions on personal freedoms and the restoration of human rights in Myanmar,

Recalling further Commission on Human Rights resolution 1996/80 of 23 April 1996,[4] in which the Commission decided to extend for one year the mandate of the Special Rapporteur on the situation of human rights in Myanmar,

Noting with concern that the Government of Myanmar has not yet agreed to visits by a representative of the Secretary-General and by the Special Rapporteur,

Gravely concerned that the Government of Myanmar still has not implemented its commitment to take all necessary steps towards democracy in the light of the results of the elections held in 1990,

Recalling the release without conditions of Nobel Peace Prize Laureate Aung San Suu Kyi on 10 July 1995,

Gravely concerned at the travel and other restrictions placed on Aung San Suu Kyi and other political leaders and at the recent mass arrests of members and supporters of the National League for Democracy for peacefully exercising their right to freedom of expression, assembly and association, and alarmed by the recent aggression committed against Aung San Suu Kyi and other members of the National League for Democracy,

Recalling the withdrawal and subsequent exclusion from the National Convention of members of the National League for Democracy in late 1995,

Regretting the failure of the Government of Myanmar to open a political dialogue with Aung San Suu Kyi and other political leaders, including representatives of ethnic groups,

Gravely concerned at the continued violations of human rights in Myanmar, as reported by the Special Rapporteur, including extrajudicial, summary or arbitrary executions, killings of civilians, torture, arbitrary arrest and detention, deaths in custody, absence of due process of law, severe restrictions on freedoms of opinion, expression, assembly and association, violations of freedom of movement, forced relocation, forced labour and portering and the

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[3] See Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

[4] Ibid., 1996, Supplement No. 3 (E/1996/23), chap. II, sect. A.

imposition of oppressive measures directed in particular at ethnic and religious minorities,

Recalling the observation made by the Special Rapporteur, that the absence of respect for the rights pertaining to democratic governance is at the root of all the major violations of human rights in Myanmar,

Recalling also the conclusion of ceasefire agreements between the Government of Myanmar and several ethnic groups,

Noting that the human rights situation in Myanmar has resulted in flows of refugees to neighbouring countries, thus creating problems for the countries concerned,

1. Expresses its appreciation to the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar for his interim report,[5] and urges the Government of Myanmar to cooperate fully with the Special Rapporteur;

2. Also expresses its appreciation to the Secretary-General for his report;[6]

3. Deplores the continued violations of human rights in Myanmar;

4. Requests the Government of Myanmar to permit unrestricted communication with and physical access to Nobel Peace Prize Laureate Aung San Suu Kyi and other political leaders by members and supporters of the National League for Democracy and to protect their physical well-being;

5. Strongly urges the Government of Myanmar to release immediately and unconditionally detained political leaders and all political prisoners, to ensure their physical integrity and to permit them to participate in the process of national reconciliation;

6. Urges the Government of Myanmar to engage, at the earliest possible date, in a substantive political dialogue with Aung San Suu Kyi and other political leaders, including representatives of ethnic groups, as the best means of promoting national reconciliation and the full and early restoration of democracy;

7. Welcomes the discussions between the Government of Myanmar and the Secretary-General, and further encourages the Government of Myanmar to cooperate fully with the Secretary-General in order to allow for a broader dialogue in Myanmar;

8. Again urges the Government of Myanmar, in conformity with its assurances given at various times, to take all necessary steps towards the

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[5] A/51/466.

[6] A/51/660.

restoration of democracy in accordance with the will of the people as expressed in the democratic elections held in 1990 and to ensure that political parties and non-governmental organizations can function freely;

9. Expresses its concern that most of the representatives duly elected in 1990 are still excluded from participating in the meetings of the National Convention, created to prepare basic elements for the drafting of a new constitution, and that one of its objectives is to maintain the participation of the armed forces in a leading role in the future political life of the State, and notes also with concern that the working procedures of the National Convention do not permit the elected representatives of the people freely to express their views;

10. Strongly urges the Government of Myanmar to take all appropriate measures to allow all citizens to participate freely in the political process, in accordance with the principles of the Universal Declaration of Human Rights, and to accelerate the process of transition to democracy, in particular through the transfer of power to democratically elected representatives;

11. Also strongly urges the Government of Myanmar to ensure full respect for human rights and fundamental freedoms, including freedom of expression and assembly, the right to fair trial and the protection of the rights of persons belonging to ethnic and religious minorities, and to put an end to violations of the right to life and integrity of the human being, to the practices of torture, abuse of women, forced labour and forced relocations, and to enforced disappearances and summary executions;

12. Appeals to the Government of Myanmar to consider becoming a party to the International Covenant on Civil and Political Rights,[2] and the International Covenant on Economic, Social and Cultural Rights[2] and the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment;[7]

13. Strongly urges the Government of Myanmar to fulfil its obligations as a State party to the Forced Labour Convention, 1930 (No. 29), and to the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), of the International Labour Organization, and encourages the Government of Myanmar to cooperate more closely with the International Labour Organization;

14. Stresses the importance for the Government of Myanmar to give particular attention to conditions in the country's jails and to allow the International Committee of the Red Cross to communicate freely and confidentially with prisoners;

15. Calls upon the Government of Myanmar and other parties to the hostilities in Myanmar to respect fully the obligations under international humanitarian law, including article 3 common to the Geneva Conventions of

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[7] Resolution 39/46, annex.

12 August 1949,[8] to halt the use of weapons against the civilian population and to protect all civilians, including children, women and persons belonging to ethnic or religious minorities, from violations of humanitarian law, and to avail itself of such services as may be offered by impartial humanitarian bodies;

16. Encourages the Government of Myanmar to create the necessary conditions to ensure an end to the movements of refugees to neighbouring countries and to create conditions conducive to their voluntary return and their full reintegration, in conditions of safety and dignity;

17. Requests the Secretary-General to continue his discussions with the Government of Myanmar in order to assist in its efforts for national reconciliation and in the implementation of the present resolution and to report to the General Assembly at its fifty-second session and to the Commission on Human Rights at its fifty-third session;

18. Decides to continue its consideration of this question at its fifty-second session.

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[8] United Nations, Treaty Series, vol. 75, Nos. 970-973.